REMARKS

Entry of this Amendment and reconsideration of the above-identified application in view of the following is respectfully requested

Claims 1-14 are pending and stand rejected.

Claims 1 and 14 are independent claims.

No claims have been amended.

Claims 1, 2, 6, 7, 8, 9 and 10-14 stand rejected under 35 USC 103(a) as being unpatentable over Friend (USP no. 6, 429, 601) in view of Aoki (USPPA 2002/0003520). Claims 3, 4 and 5 stand rejected under 35 USC 103(a) as being unpatentable over Friend and Aoki in view of Yamazaki (USP no. 6, 326, 941).

With regard to the rejection of claims 1, 2, 6, 7, 8, 9 and 10-14, the Office Action asserts that Friend discloses a display with a plurality of display pixels, each having a current driven element, a data input for receiving an analogue data signal, at least one drive element, selecting means to provide a data signal to generate an overall brightness level during a frame period, wherein the frame period is divided in at least a first sub-period carrying a first non–zero current and a second sub-period carrying a second non-zero current over their respective sub-periods. The Office Action acknowledges that Friend fails to teach the claim element "wherein said second non-zero current is maintained at a stable level lower than the first nonzero current …."

The Office Action refers to Aoki for teaching "a second non-zero current is maintained at a stable level lower than the first non-zero current and said first non-zero current is determined based on a known ratio with respect to said second non-zero current..." in figure 9, para. 0009-0011 and 58.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Aoki teaches a system, which is characterized in the background of the invention section of the instant application, where a frame displaying one picture is time divided into multiple sub-frames and the brightness of the subsequent sub-

frame is attenuated at a designated ratio according to the brightness of the inputted picture.

Thus, the brightness level of the subsequent (i.e., second) frame is a function a brightness level that is provided in the first frame. However, the brightness level of the first frame is the desired brightness level of the pixel. See, for example, para. 0012, of Aoki, which states "[i]t is preferable that the display device comprises a sub-frame generating means which time-divides a frame displaying one picture into multiple sub-frames, an attenuation signal generating means for generating an attenuation signal by dividing an inputted luminosity signal by designated attenuation coefficient and a signal switching means for inputting the luminosity signal before division to the antecedent sub-frame in the relevant frame and inputting the attenuation signal after division to the subsequent sub-frame in the relevant frame."

Thus, Aoki teaches that the luminosity signal (full brightness) is applied in the first frame and an attenuated signal is applied in the second frame.

In addition, Aoki discloses that the second signal is a determined as a ratio to the first signal. That is the second signal is a known fraction (1/4) of the first signal. However, Aoki does not disclose that "said first non-zero current is determined based on a known ratio with respect to said second non-zero current." Rather, Aoki teaches that the signal (i.e., first current) in the first frame is the signal to achieve the luminosity (full brightness) and the second current is a portion (i.e., ¼) of this luminosity signal.

In this case, the combination of Friend and Aoki fails to teach any modification or adjustment of the current (i.e., signal) in the first sub-period (frame) as being a ratio of the current (i.e., signal) in the second sub-period, as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there

must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations. However, the Court in *KSR v. Teleflex* (citation omitted) has held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in the *Graham v. John Deere* (i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness) (citation omitted).

In this case, the combination of the cited references fails to disclose at least one material element recited in the independent claims and thus, the combination of the cited references cannot be said to render obvious the subject matter recited therein.

Applicant submits that for the remarks made herein, the reason for the rejection of the independent claims has been overcome.

With regard to the remaining claims, these claims depend from independent claim 1 and, hence, recite subject matter not disclosed by the combination of the cited references.

With regard to the rejection of claims 3, 4 and 5 under 35 USC 103(a) as being unpatentable over Friend and Aoki and further in view of Yamazaki, Applicant respectfully disagrees with and respectfully traverses the rejection of the claims.

Yamazaki discloses a gradation system for an electro-optical device controlled through a digital circuit. The gradation system uses both variable pulse width and variable voltage to determine a gradation value. Yamazaki discloses that in a conventional 64 level gradation system, gradation may be achieved by a combination of a total of 6 pulses whose width is in the ratio of 1, 2, 4, 8, and 32 and that by varying the pulse height into four steps (levels) 1, 2, 3

and 4, only 3 pulses having pulse width of 1, 4 and 16 need be used. (see col. 4, line 64-col. 5, line 2).

Yamazaki, accordingly, teaches using the pulse width as a factor in transmitting a value and fails to teach that the pulse width is related to a period or a sub-period size.

Yamazaki fails to provide any teaching regarding adjusting the signal in the first frame based on a ratio of the signal in the second frame, as is recited in the claims.

Accordingly, the combination of Friend, Aoki and Yamazaki fails to disclose a material element recited in the independent claim 1, and consequently, in dependent claims 3, 4 and 5.

For the above amendments to the claims and the remarks made herein, applicant submits that the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for filing this paper.

Respectfully submitted,

Michael E. Belk, Reg. No. 33,357

Date: June 27, 2010

/Carl A. Giordano/

By: Carl A. Giordano
Attorney for Applicant
Registration No. 41,780

Mail all correspondence to:
Michael E. Belk, Esq.
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9643
Fax: (914) 332-0615